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Crime prevention and criminal justice

United Nations African Institute for the Prevention of Crime and the Treatment of Offenders

Report of the Secretary-General

Summary

The present report has been prepared pursuant to General Assembly resolution 71/207. It describes the efforts undertaken by the African Institute for the Prevention of Crime and the Treatment of Offenders to promote national, regional and international initiatives to stimulate capacity-building, technology transfer and the sharing of experiences. The report illustrates that criminal justice is a shared responsibility when it comes to the achievement of the Sustainable Development Goals. It calls for a renewed and strengthened regional and global partnership in preventing and combating crime. The Institute's strategic plan for the period 2017–2021 addresses crime in an integrated manner, and recent activities of the Institute have taken into account emerging issues such as the regulation of virtual currencies, cybercrime and environmental crime. The report also provides information on the governance and management of the Institute and contains details on the efforts of the Institute to mobilize resources from various sources to facilitate the realization of its visionary criminal justice initiatives.

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I. Introduction

1. The present report has been prepared pursuant to General Assembly resolution 71/207, in which the Assembly requested the Secretary-General to submit to it at its seventy-third session a biennial report with a specific focus on the current and future structural, financial, administrative and operational aspects of the African Institute for the Prevention of Crime and the Treatment of Offenders, giving due consideration to intensifying efforts to mobilize all relevant entities of the United Nations system to provide the necessary financial and technical support to the Institute to enable it to fulfil its mandate, bearing in mind that the precarious financial situation of the Institute greatly undermines its capacity to deliver services effectively.

2. The report illustrates the current status of crime prevention and criminal justice in Africa, with a particular focus on emerging crimes. The changing political and socioeconomic contexts in Africa and around the world mean that there is an increasing need to strengthen the capacities of criminal justice systems. The report contains a summary of the activities of the Institute since 2016, in particular with regard to cybercrime and its challenges for criminal justice systems. It highlights the need for international cooperation and collaboration through institutional networks and describes measures for sharing experiences that help to promote good practices. The document also provides information on measures taken to strengthen the capacities of criminal justice systems and develop crime prevention programmes, including through the harmonization of practices among jurisdictions. The report contains references to international and regional bodies that have called for enhanced support to the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders. Such support could serve as a basis for implementing a set of programme activities to comprehensively transform the administration of justice and the promotion of socioeconomic development in Africa. The report contains proposals on refocusing the nature of interventions, in particular by concentrating on regional and subregional networks of technical support to fulfil regional commitments towards the achievement of the 2030 Sustainable Development Agenda.

3. The proliferation of new crime trends can be attributed largely to constantly evolving technology. That evolution has led to an increased need for capacity in Africa to protect the population, especially women and children. Emerging crimes occurring within the changing political and socioeconomic contexts of States in Africa and around the world have resulted in the urgent need to step up States' capacities to fight crime and foster justice. There is an increasing level of concern in the region regarding the need for capacity development in the field of crime prevention and criminal justice; prompt reforms are needed to address emerging challenges. Capacity in criminal justice administration in countries in Africa is facing difficulties because of the changing nature of crime in the face of new technologies and the digital age. In view of those changes, crime prevention and criminal justice systems should be reviewed, undergo comprehensive restructuring processes and have their operations aligned to counter new crime trends in order to ensure sufficient capacity and improve competencies in the administration of justice.

4. The effective pursuit of crime prevention policy in Africa hinges on Governments' involvement with global and multilateral institutions, in particular the adoption of their strengths in capacity development, to achieve improvements in criminal justice administration. New networks with relevant strategies must be established. The strong impact and compromising effect of emerging crimes on criminal justice frameworks in Africa is the subject of wide public concern. The Institute is seeking to support Governments in enhancing their criminal justice systems, in order to contribute to the achievement of the 2030 Sustainable Development Agenda. A specific focus should be placed on addressing the vulnerabilities and specific needs of persons in contact with the criminal justice system. A transformation is needed of the strategies applied by law enforcement practitioners to address crime.

5. While in the past the Institute focused on assisting Member States in developing policies, programmes and human resources for crime prevention and criminal justice, the focus of its strategic plan for the period 2017–2021 lies in consolidating previous achievements by strengthening national capacities for crime prevention and criminal justice and enabling States to achieve the 2030 Sustainable Development Agenda. Criminal justice actors in Africa appreciate the importance of the rule of law and human rights as critical to the reforms that are necessary to achieve justice for all.

6. In many countries in Africa, poverty, social upheaval and environmental degradation are significant challenges that can cause instability and affect the lives of the people, the majority of whom rely on agriculture. Human rights challenges are aggravated by situations such as mass refugee flows, food insecurity and land deprivation. In addition, there is a need to place activities in Africa in the context of global programmes for human rights-based interventions. That approach will contribute to strengthening criminal justice systems, raising the awareness of the international community about the region and connecting criminal justice entities in Africa to relevant organizations. As the region adapts to new technologies, systems of service delivery will become more streamlined in order to prevent damage attributed to unlawful transactions. The Institute is exploring opportunities with relevant information and communications technology agencies to promote the use of innovative online applications. Such applications could help to rationalize investments in agricultural production and marketing, identify fraud and counterfeiting and add value and efficiency to the delivery of services such as payment systems and management. That will also help to engage young people in viable and economic activities and assist in addressing soaring unemployment levels.

II. Governance and management

7. The Governing Board of the Institute has identified a set of possible activities that could address the rising cost of criminal justice administration attributed to changing crime trends. The Board has also been working to transform the Institute to allow it to effectively address the capacity-building needs of the region.

8. The Governing Board is currently planning a series of visits to member States with a view to obtaining and reaffirming their financial commitment to the Institute. Once these visits have yielded sufficient momentum in respect of resource mobilization and political support, the Board will plan its next meeting. The Board considers that the reaffirmation of member States' commitment and ownership of the Institution is required; without such commitment and ownership, support from other entities would be difficult to secure.

9. Following consultations between the host country of the Institute (Uganda), the Chair of the Governing Board and the Institute's secretariat, the Institute utilized the African Union Summit in Addis Ababa on 1 July 2017 as an opportunity to hold consultations with delegations and to discuss the current status of the Institute.

10. The Governing Board identified a lack of resources and a lack of diversity of funding sources as the biggest challenges to the sustainability of the Institute's operations.

11. A number of stakeholders have expressed their support of the Institute, in the light of the challenges faced by countries in Africa as a result of, inter alia, new trends in transnational organized crime, increasingly sophisticated ways of committing crime, the costs of managing public resources and the difficulties of maintaining peace and security in the face of infiltration of public administration by criminal groups. In order to alleviate those difficulties, they agreed that States in Africa needed a reformed Institute that had a specific action plan tailored to mitigating vulnerabilities.

12. On the basis of its focus on promoting regional cooperation and collaborative action through fostering partnerships with Governments, academic, scientific and

professional institutions, non-governmental organizations and experts in crime prevention and criminal justice, the Institute received assurances of support from the Economic Commission for Africa (ECA). According to ECA, the focus should be on strengthening the capacity of the Institute with a view to making it more valuable to its member States. It pledged its support for building capacity, implementing the restructuring programme of the Institute and sharing experiences, building on the model of the African Institute for Economic Development and Planning, which had been through a similar process. An enhanced work programme of the Institute would be the basis of further efforts to increase the payment of assessed contributions by member States.

13. At the most recent consultative meeting of the ministers of foreign affairs of the States members of the Institute, held in Addis Ababa on 1 July 2017, resolutions were adopted in which the minsters urged the United Nations to increase financial support to the Institute, urged member States to pay their assessed contributions, including arrears, and expressed appreciation for the commitment of ECA to working with the Institute to build a strategy for staffing and resource mobilization, capacity development, restructuring and sharing of experiences, based on the model of the African Institute for Economic Development and Planning, with a view to making the Institute more relevant to member States and improving its support to countries in Africa.

III. Substantive programme and activities

A. Overview

14. Since its inception, the Institute has implemented a work programme focused on training, technical assistance, advisory services, research, policy development, information and documentation for the benefit of all countries in Africa. In the past, when budgetary support was stronger, the Institute focused on building a human resources base in all countries in Africa, consisting of medium-level officers in the criminal justice sector who were considered as important in successfully enacting domestic strategies that would lead to the harmonization of crime prevention policies across the continent. That work programme placed the Institute in a key position to spearhead necessary reforms, deepen relations across the existing centres of expertise and urge Governments to adopt globalized good practices and implement them in accordance with national realities.

15. On the basis of its mandate, the Institute's strategic focus has always included the development of close relations with member States and specialized agencies in criminal justice, with a view to mobilizing efforts in a global programme for crime prevention. Following the exponential growth in and use of information technology in virtually all sectors of the management of public affairs, security for the generation, storage, dissemination and use of information has been identified as a core topic of interest by the public and private sectors. Governments, the private sector and individuals increasingly rely on the Internet to conduct sensitive transactions and store important data. Therefore, a significant portion of the Institute's action plan is devoted to the management and ensuring the safety of online resources and the prevention of and criminal justice responses to cybercrime.

B. Activities of the Institute

16. The Institute's medium-term plan of action for the period 2017–2021 is focused on the following: (a) funding opportunities; (b) increasing collaboration with partner agencies, with a view to making criminal justice a development issue; (c) promoting good governance and the rule of law; and (d) increasing public participation.

17. The Institute implemented a number of thematic activities, as set out below.

1. Strengthening collaboration with experts for the sustained provision of technical support

18. A coordination meeting of institutes of the United Nations crime prevention and criminal justice programme network was held in Bangkok on 8 November 2016. At that meeting, several thematic areas were proposed in which the African Institute could develop projects to promote the rule of law.

19. The 6th Kigali International Conference Declaration Annual General Meeting was held in Kampala in March 2017, on the theme "Combating violence against women and girls: the role of security organs and the community". The Meeting allowed experts to share expertise and also allowed the Institute to strengthen its collaboration with relevant stakeholders. A number of countries have since created national task forces using a multi-sectoral approach to strengthen their capacities in fighting trafficking in persons, including through initiatives for the rehabilitation of victims, increasing efforts to investigate and prosecute cases and achieve convictions in more cases than in previous years, identifying and repatriating victims of trafficking and increasing law enforcement training. Some Governments have streamlined travel arrangements for domestic workers seeking employment abroad through vetted licensed companies. Efforts have also been made to strengthen the protection of migrant workers abroad by negotiating with foreign Governments to provide initiatives that include the tracking and monitoring of workers. Governments are working to expand networks to help meet minimum standards in several key areas of worker protection, victim assistance, human rights observance and repatriation of earnings by workers abroad. Insufficient funding for victim protection has hindered government efforts to sustain momentum in that respect. However, together with civil society organizations, Governments are developing strategies aimed at institutionalizing training among law enforcement agencies and front-line officials on combating trafficking and increasing the awareness of communities about trafficking. While there are still reports of misclassification of cases and inadequate investigations, efforts are increasingly being made to develop whistle-blowing initiatives through special communication lines and strategic engagement between communities and law enforcement authorities, through focal persons and focal points. Lastly, the Conference provided an opportunity to assess the level of compliance of States in Africa with international and regional conventions or other standards.

20. In July 2016, the Institute provided technical assistance to the civil service of Uganda for an evaluation of strategies for managing government projects using information technology resources.

2. Virtual currency regulation

21. In July 2016, the Institute, in partnership with the University of Birmingham (United Kingdom of Great Britain and Northern Ireland) held a round-table discussion on policy, legal, ethical and sociocultural questions surrounding the regulation of virtual currencies in Uganda. The discussions were aimed at: (a) creating awareness of the use of virtual currencies and unlocking innovative potential in the use of blockchain technologies; (b) creating an African think tank on technological, policy and legal issues to inform and support the regulation of virtual currencies; (c) disseminating the findings relating to Uganda of the 2015 Commonwealth survey on virtual currencies; (d) sharing individual and institutional experiences; and (e) developing instructive guidance on effective ways to regulate new forms of virtual currencies. The event was attended by participants from the parliamentary service, academia and financial investigation and regulatory bodies. Participants underscored the need for comprehensive policies and strategies and awareness-raising in the private sector and among the public, in particular in rural communities. The second round-table discussion was held in July 2017.

22. Participants highlighted that virtual currencies had potential as an investment vehicle but also came with the risk of increasing the growth of underground, violent and harmful businesses. Some participants expressed concern that virtual currencies

could pose a threat to the security of nations and the stability of national economies in Africa. Developing a risk assessment was seen as a crucial starting point, as policymakers struggled to catch up and develop appropriate regulatory regimes for virtual currencies. Participants encouraged authorities in Africa to study the experiences of countries with operational regulatory measures on virtual currencies.

23. The African Institute stands ready to provide support to all countries in Africa with regard to virtual currencies, at their request. Such support could entail the organization of similar round tables, with a view to ensuring the sharing of expert knowledge and good practices and informing the development of policies, legislation and regulations. It could also take the form of international collaborative initiatives, research conducted on thematic topics and support for the development of safe and user-friendly digital resources.

3. Coordinating regional initiatives against environmental crime

24. Several countries in Africa have been actively engaged in programmes to improve the enforcement of environmental laws and treaties, with a view to combating environmental crime. They have partnered with, inter alia, the International Criminal Police Organization (INTERPOL).

25. The Institute collaborated with the regional office of INTERPOL in Kampala to organize a national environmental security seminar, held in Kampala in April 2017. The objective of the seminar was to identify priorities and develop strategies for combating environmental crimes at the national level, consistent with regional and international resolutions and initiatives. During the seminar, participants analysed proposals on engaging relevant institutions, in line with regional and international conventions, for their implementation into the local legal system.

4. Promoting regional cooperation and collaboration in the fight against cybercrime and electronic evidence in criminal justice administration

26. At the Octopus 2016 conference, on cooperation against cybercrime, organized by the Council of Europe and held in Strasbourg, France, in November 2016, the Institute discussed, with selected counterparts, how to promote the workplan for Africa of the Global Action on Cybercrime Extended (GLACY+), a joint project of the European Union (Instrument Contributing to Peace and Stability) and the Council of Europe.

27. In July 2017, the Institute organized a regional conference on cybercrime and electronic evidence for East Africa, in partnership with the Government of Mauritius, the Council of Europe, the International Association of Prosecutors and the Global Prosecutors E-Crime Network. The conference was aimed at improving international cooperation against cybercrime through capacity development, the sharing of good practices, awareness-raising, the development of effective legislative frameworks and the exchange of useful experiences for judges, prosecutors and investigators. Participants came from Ethiopia, Kenya, Madagascar, Malawi, Maldives, Mauritius, Mozambique, Seychelles, Uganda, the United Republic of Tanzania, Zambia and Zimbabwe. Building on existing initiatives in the region, the Institute is working to develop closer cooperation and encourage harmonized policy development to facilitate mutual legal assistance in criminal matters.

C. Dissemination of information and collaboration

28. The Institute has made efforts to maintain a dossier of relevant empirical information for the use of academia and crime prevention and criminal justice practitioners. While a lack of resources has prevented the Institute from utilizing modern, online platforms for effective discourse, the production of hard copy reports and newsletters has been sustained.

IV. International cooperation and partnerships

29. In line with its mandate and its status as a pan-African regional institution, the Institute benefits from its connections with other criminal justice institutions at the national, subregional and regional levels, including the institutes of the United Nations crime prevention and criminal justice programme network. The Institute has placed its activities in the context of a global programme for human rights-based interventions. It seeks to contribute to the development of policies for the management of investigations, prosecutions and corrections and also for the increasing use of information and communications technologies in routine criminal justice operations.

30. The continuing effects of crime on the population of countries in Africa, especially women and children, have brought about a need for diversification of interventions. New strategies are required, with a focus on collaboration and the harmonization of national policies across the continent. The Institute has intensified contact with regional and international networks that work on reformed enforcement mechanisms, especially those that are proactive and use international cooperation mechanisms as a source of technical support and a tool for sharing best practices.

V. Funding and support

31. The total income of the Institute for the biennium 2016–2017 was $930,800. That amount comprises three funding sources: member States' assessed financial contributions ($479,100); a United Nations grant to the Institute ($358,800); and other income (interest, premium and rent) ($92,900).

32. Table 1 shows a total income of $930,800 received in the biennium 2016–2017, compared with an income of $821,000 in the biennium 2014–2015.

Table 1
Summary of income received in the biennium 2016–2017, compared with the biennium 2014–2015

(United States dollars)

	2016–2017		*2014–2015*	
Source	*Amount*	*Percentage of total income*	*Amount*	*Percentage of total income*
Member States' assessed contributions	479 100	51	301 400	37
Grant from the United Nations	358 800	39	365 300	44
Other income (interest, premium and rent)	92 900	10	154 300	19
Total income	**930 800**		**821 000**	

33. Table 2 shows the total income of the Institute for the period January–May 2018, compared with the same period in 2017.

Table 2
Summary of income received, January–May 2018
(United States dollars)

	January–May 2018		*January–May 2017*	
Source	*Amount*	*Percentage of total income*	*Amount*	*Percentage of total income*
Member States' assessed contributions	216 400	64	47 000	31
Grant from the United Nations	98 000	29	74 800	49
Other income (interest, premium and rent)	21 500	7	30 300	20
Total income	**335 900**		**152 100**	

34. Uganda and Seychelles have paid their assessed financial contributions for 2018, while Malawi and Mozambique paid their arrears up to 2017.

A. Annual assessed financial contributions from Member States

35. Efforts were made throughout the biennium 2016–2017 to collect annual assessed financial contributions from member States. Of the 29 States members of the Institute, 6 made payments. Two Member States paid their assessed contributions for 2016–2017, while four countries made partial payments on their arrears. As in the previous biennium, Seychelles and Uganda were the only member States that paid their assessed contributions for the biennium 2016–2017, as shown in table 3 below.

Table 3
Breakdown of contributions received in the biennium 2016–2017
(United States dollars)

Country	*Annual assessed contribution for 2016–2017*	*Arrears paid in 2016–2017*	*Prepayments*	*Total amount paid in 2016–2017*
Democratic Republic of the Congo	–	100 100	–	100 100
Uganda	60 000	–	32 900	92 900
Seychelles	50 100	–	–	50 100
Cameroon	–	158 600	–	158 600
Kenya	–	22 200	–	22 200
Malawi	–	55 200	–	55 200
Total	**110 100**	**336 100**	**32 900**	**479 100**

36. As at 31 May 2018, the outstanding arrears of assessed member States' contributions stood at $17.5 million for the whole period since 1989; $3.9 million has been received, leaving an outstanding balance of $13.6 million.

37. During the period 2011–2017, the average annual collection of assessed contributions from member States was $200,000 per annum, of an expected $1.5 million. This resulted in a deficit in expected revenue that has had an impact on the effectiveness of the Institute's performance.

38. As mentioned in paragraph 12 above, at their most recent consultative meeting, the ministers of foreign affairs of the States members of the Institute urged member States to pay their assessed contributions, including outstanding arrears, and ECA committed itself to assisting the Institute in building a strategy for staffing and resource mobilization to make it more relevant to member States.

B. United Nations grant

39. In the spirit of the provisions of the relevant General Assembly resolution, the Secretary-General's efforts to mobilize the financial resources necessary to maintain the Institute will continue in order to enable it to function effectively in the fulfilment of its mandated obligations.

40. As in previous reports, the Institute requests that the General Assembly consider increasing the grant from the United Nations to a level necessary to maintain the Institute with the core Professional-level staff required to enable it to fulfil its mandate. When operating at full capacity, the Institute would require six staff at the Professional level, as shown in table 5 below.

41. Tables 4 and 5 set out the expenditure on staff costs of the Institute paid for from the United Nations grant during the biennium 2016–2017 and the proposed expenditure for the biennium 2018–2019.

Table 4
Actual staff costs paid during the biennium 2016–2017
(United States dollars)

Established post	*Salary level*	*Paid in 2016*	*Paid in 2017*	*Total paid during the biennium 2016–2017*
Deputy Director	P-5	80 700	78 100	158 800
Administrative/Finance Officer	P-3	57 400	56 800	114 200
Information and Documentation Consultant	Fees	7 400	2 000	9 400
Programme Officer	General Service	44 200	33 200	77 400
General administrative expenses		54 400	4 200	58 600
Total		**244 100**	**174 300**	**418 400**

Table 5
Proposed Professional-level staff costs for the biennium 2018–2019
(United States dollars)

Established post	*Salary level*	*Proposed salary for the 2018–2019 biennium*
Director	D-1	176 800
Deputy Director	P-5	158 600
Training Adviser	P-4	124 300
Research Adviser	P-4	124 300
Information/Documentation Adviser	P-3	104 200
Administrative/Financial Officer	P-3	113 600
Non-salary costs		200 400
Total		**1 002 200**

C. Other income

42. As in previous years, the Institute continued to receive additional income from interest, premium and rentals, although the amount was significantly reduced as the Institute had neither fixed deposits from which it could earn interest nor additional land to lease and earn premium. Other income during the biennium 2016–2017 came from rentals of both leased land and rented premises. This amounted to $92,900, compared with $238,600 during the biennium 2014–2015.

VI. Future of the Institute

43. The Institute has developed a comprehensive strategy for the period 2017–2021 to enhance the implementation of its mission to strengthen the capacities of criminal justice systems, with a view to supporting sustainable development in Africa. This mission is derived from the Institute's mandate to promote regional cooperation and collaborative action across Africa through fostering partnerships among Governments, academic, scientific and professional institutions, non-governmental organizations and experts in crime prevention and criminal justice.

44. In its resolution 71/207, the General Assembly reiterated the need to strengthen further the capacity of the Institute to support national mechanisms for crime prevention and criminal justice in countries in Africa and requested the Secretary-General to enhance the promotion of regional cooperation, coordination and collaboration in the fight against crime, especially in its transnational dimension, which cannot be dealt with adequately by national action alone.

45. The Institute would need support to raise the necessary funding in order to fully implement its strategy and meet its objectives over the duration of the strategy (2017–2021). The sophisticated trends in the crimes that afflict countries in Africa make investment in crime prevention a critical aspect of the management of public institutions and call for special planning and integration into national and regional security and development strategies.

46. The Institute should have sufficient capacity to address the needs of countries in Africa through specific programmes tailored to suit the realities of each country and to provide them with relevant technical support. The spirit of pan-Africanism should be demonstrated in unique African institutions that would be best suited to address the challenges faced by countries on the continent with home-grown, research-based solutions. The Institute was established with that intention.

VII. Conclusions and recommendations

47. For the Institute to develop the required capacity to implement its comprehensive strategy and empower States to dispense justice, I urge States members of the Institute to pay their assessed contributions, including their arrears.

48. States members of the African Union are encouraged to join the Institute to enhance its collaborative efforts and enlarge its support base.

49. Crime prevention and criminal justice efforts need a high level of partnership. The Institute, despite the challenges regarding its funding situation, is working towards greater regional cooperation and related initiatives to address emerging difficulties in criminal justice developments in the region.

50. Africa requires its own centre of expertise to address the region's unique weaknesses in terms of crime prevention, as confirmed in the resolutions of the General Assembly, the directives of the Governing Board and the support of member States. The anticipated improvement in funding support will improve the capacities of the Institute to transform it into an effective entity with an ambitious agenda of criminal justice reform for Africa, in alignment with global crime prevention goals. The result will be a particular focus on prosecution, investigations, sentencing and corrections, where perceived weaknesses have caused endemic vulnerabilities in the face of emerging crime trends.

51. All development issues, particularly with regard to the emerging geopolitical integration needs of countries in Africa, require professional guidance, as they are vulnerable to criminal acts. Continuous safeguards through the activities of the Institute are of key importance in that context. The Institute is destined to remain a focal point for all expert interventions in crime prevention and criminal justice in Africa.